

## **REMARKS**

Claims 1-17 are pending. Claim 1 is currently amended.

### **Formalities**

Applicants thank the Examiner for previously considering the Information Disclosure Statement filed on April 21, 2010.

### **Specification**

Applicant respectively traverses the objection to the specification, and submits that the amendments including “computer-readable storage medium” presented in claims 9-14 and 17 made explicit that which was implicit in the disclosure of the present application, as evidenced in the original specification section.

Thus, at least for this reason, Applicant respectfully requests the Examiner to withdraw the objection.

### **Rejection of claims 1, 3-5, and 9-11 are rejected under 35 USC § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention**

Claim 1 is amended to overcome the rejection.

Regarding claims 3-5 and 9-11, Applicant respectfully traverses the rejections. The Examiner alleges that it is unclear whether the command is actually executed or not.

First, Applicant respectfully submit that the Examiner’s contention is baseless and does not render the claims to be indefinite. Claim 3 recites a generated command that enables communication and displays data, when one menu is selected from plural menus. Applicant respectfully submits that the command is generated by a CGI/ASP program when the menu is selected by the server, thus establishing the condition for execution of the command. Applicant respectfully submits that one of ordinary skill in the art would not consider the claim to be indefinite.

Next, the Examiner cites to Microsoft Computer dictionary, Fifth Edition, in order to formulate the basis of the rejection. Applicant respectfully submits that the Examiner’s basis is improper because the Examiner has failed to provide a copy of the

relied upon portions to the Applicant. Applicant respectfully submits that the Microsoft definition of “command” relied upon by the Examiner does not apply to the claimed invention. The Microsoft definition only applies in situations where a command is “issued by the user,” but fails to address a situation where a command is issued by an automated program. Even the Microsoft definition itself explicitly states that commands are “usually” typed or chosen, which suggests that commands can be generated or executed by other means than the ones expressly listed in the definition. In comparison, the claimed invention recites a command that is generated by a CGI/ASP program of the mobile phone. Further, the claim recites a menu that is selected from menus. Even if the Microsoft definition were to be applied, the claimed command is generated when a menu is chosen from the menus. Thereafter, a command is generated to enable communication, display data and update data.

Further, the Examiner contends that “a command must be issued or executed,” by relying on the Microsoft definition. Applicant respectfully submits that the Microsoft definition does not state or even suggest that a command must be issued or executed. The Microsoft definition is, at best, a non-limiting description of a “command” and is not a restrictive definition. For example, the Microsoft definition is applicable in a scenario when a command is issued by the user by choosing from a menu. In this scenario, upon receiving a menu selection, command instructions can be generated to a computer program that cause an action to be carried out. In comparison, claim 3 recites that, when one menu is selected from menus, a CGI/ASP generates a command to enable communication, display data and update data. Applicant respectfully submits that the Microsoft definition has been improperly applied to Applicant’s claims, and even if the definition were to apply, the definition fails to serve as an appropriate basis for rendering the claims as indefinite.

Thus, the Examiner has failed to establish that the claims are indefinite. Applicant respectfully submits that the Examiner’s rejection of claim 3-5 and 9-11 is baseless, and respectfully requests the Examiner to withdraw the rejection.

**Rejection of Claims 1-14 under 35 U.S.C. § 103(a) as being un-patentable over Theimer (6,519,241 B1), in view of Zweig (US 2002/0173877 A1) and further in view of Hauduc et al. (6993568 B1)**

Applicant respectfully traverses this rejection.

Theimer, Zweig and Hauduc, when applied alone or in combination, fail to disclose, teach or suggest the features of claims 1-14, expressly or inherently.

Claim 1 recites a device for managing information data in a mobile IP-based mobile telephone, the device comprising an embedded web server, for displaying a homepage of the mobile telephone on a web browser when linked to the mobile telephone through a telecommunication system, driving a CGI and/or ASP program to generate a command for communication between the mobile phone and the telecommunication system using the web browser, displaying data of a selected menu stored in the mobile phone on the web browser according to the command and updating data on the mobile telephone in accordance with a data updated in the web browser according to the command, a CGI and/or ASP program driven by the embedded web server to generate a command for communication between the mobile telephone and the telecommunication system using the web browser, and to transmit a message confirming that data updated in the web browser has been updated in the mobile telephone to the web browser, a homepage of the mobile telephone, for displaying information management menus of the mobile telephone and including a language pack storing at least one language so that the information management menus can be displayed in a selected language, and a memory, for storing data of the information management menus.

First, in the Office Action, the Examiner failed to address Applicants' arguments presented in the response filed on September 8, 2010 regarding Theimer. Accordingly, Applicants maintain that Theimer fails to disclose or suggest the features as alleged by the Examiner.

The Examiner alleges that Theimer discloses displaying a homepage of the mobile telephone (citing to authorized browser 5, and column 3, lines 26-48). Applicants respectfully traverse the Examiner's interpretation. Theimer discloses a

web browser 5 that interrogates the location of a patient for data and proves its access authorization by a password or a digital signature (see col 3, lines 60-63). A medical service computer (authorized browser 5) may periodically interrogate the medical measured values via the WEB server 2 and sends back instructions. Theimer discloses the authorized browser requesting information (via interrogation). In comparison, the claimed invention recites displaying a homepage of the mobile telephone. Theimer fails to disclose or suggest Applicant's device that comprises displaying a homepage of the mobile telephone on a web browser when linked to the mobile telephone through a telecommunication system, as recited in claim 1 among other features.

The Examiner alleges that Theimer discloses a CGI/ASP program of the server driven by the embedded web server, in col. 4, lines 16-26. Applicants respectfully disagree. Applicant respectfully submits that Theimer discloses a glucose measuring server 8 in the mobile telephone where the authorized browser 5 periodically interrogates the measured values which accesses the measured values of the WEB server by a password or a digital signature. Theimer discloses performing communication between web servers and web browsers/other servers through CGI (see col. 1, lines 16-26 of Theimer). Theimer merely discloses connecting to the WEB server via a CGI (see column 4, lines 21-22). Theimer's disclosure fails to disclose or suggest the combination of features recited in claim 1 including an embedded web server driving a CGI and/or ASP program to generate a command for communication between the mobile phone and a telecommunication system using the web browser, amongst other features.

Further, Applicant respectfully submits that Theimer's disclosure does not disclose the combination of features as recite in claim 1. Specifically, in Theimer's Fig. 3, the server 33 in block 1 is used for monitoring vehicle devices such as a heater and external browser 5 is can monitor the vehicle devices such as a heater. However, this is different than displaying a homepage of the mobile telephone since displaying monitoring of a vehicle involves displaying data items that are not homepages of the mobile telephone (see col 6, lines 55-61).

The Examiner acknowledges that Theimer fails to disclose driving a CGI/ASP program to generate a command for communication between the mobile phone and the telecommunication system using the web browser, and to transmit a message confirming that data updated in the web browser has been updated in the mobile telephone to the web browser; a homepage of the mobile telephone, for displaying information management menus of the mobile telephone and including a language pack storing at least one language so that the information management menus can be displayed in a selected language. The Examiner relies on Zweig and Haduc to make up for Theimer's deficiencies.

Applicant agrees with the Examiner that Theimer fails to disclose these features, but respectfully disagrees about the applicability of Zweig. Zweig discloses a computer mobile robot with an onboard internet web server, and provides for radio devices capable of interfacing with the robot, allowing a remote user on the internet to direct the robot to move within range of the external devices, discover their functionality, and send and receive commands and data to the external devices through the CGI interface on the robot's onboard web server (see Abstract section).

Zweig also discloses a mobile Internet server robot that will serve SGML variant web pages or work with standard Internet web browsers under direct human control (see paragraph 0034). Zweig relates to giving remote commands over the Internet to a robot (for example, to move forward or grasp an object)(see paragraph 0038). The remote browser commands request for additional web pages that are handled by the robot's onboard web server which sends web pages back to the remote browser 6 (see paragraph 0061). Applicants submit that the remote web browser must send requesting commands to the web sever, but the web server does not transmit a homepage of the mobile telephone. Moreover, Applicant respectfully submits that Zweig fails to disclose or suggest a homepage of the mobile telephone and displaying information management menus of the mobile telephone, as recited in claim 1 among other features.

Haduc fails to make up for the deficiencies of Theimer and Zweig.

Applicant respectfully submits that Theimer, Zweig and Haduc, when applied individually or in combination, fails to disclose or suggest claim 1.

Thus, claim 1 is allowable for these reasons.

Claim 2 is allowable at least because it depends from allowable base claim 1.

Claim 3 is allowable at least for reasons similar to claim 1.

Claim 9 is allowable at least for reasons similar to claims 1 and 3.

Claims 4-8 and 10-14 are allowable at least because they depend from allowable claim 3 and 9, respectively.

**Rejection of Claims 15-17 under 35 USC § 103(a) as being un-patentable over Theimer in view of Zweig and Hauduc, and further in view of Parry (US 7,002,703 B2, hereinafter Parry)**

Applicant respectfully submits that claims 15, 16 and 17 are allowable at least because they depend on allowable base claims 1, 3 and 9, respectively.

Further, Zweig fails to make up for the deficiencies of Theimer, Hauduc and Parry.

**Conclusion**

In view of the above, it is believed that the above-identified application is in condition for allowance, and notice to that effect is respectfully requested. Should the Examiner have any questions, the Examiner is encouraged to contact the undersigned at the telephone number indicated below.

Respectfully Submitted,

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